

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

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DAVID and MARGARET DOWNS

Plaintiff

v.

BOROUGH OF JENKINTOWN, ET AL.

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Defendants

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CIVIL ACTION

NO. 18-CV-4529

AMENDED NOTICE OF APPEAL

Notice is hereby given that Plaintiffs, David and Margaret Downs, hereby appeal to the United States Court of Appeals for the Third Circuit from the Order, dated August 7, 2020, granting the Motion For Summary Judgment of Defendants, Borough of Jenkintown, George Locke, Deborra Pancoe and Richard Bunker (and denying Plaintiffs' Motion For Reconsideration), and the Order, dated May 22, 2020, granting the Motion for Summary Judgment of Defendants, Borough of Jenkintown, Deborra Pancoe and Richard Bunker. These orders were entered by the Honorable Jan E. DuBois and docketed on May 22, 2020 and August 10, 2020 (Docket Nos. 34 and 46) as evidenced on the attached copies of said Orders.



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Attorney for Plaintiffs

Dated: September 4, 2020

**CERTIFICATE OF SERVICE**

I, William J. Fox, Esquire, attorney for Plaintiffs, hereby certify that a true and correct copy of the foregoing Notice of Appeal was served, electronically, upon the following at the addresses below:

Suzanne McDonough, Esquire  
Holsten & Associates  
One Olive Street  
Media, PA 19063  
Attorney for Defendants

  
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WILLIAM J. FOX, ESQUIRE

Dated: September 4, 2020

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID B. DOWNS,**  
**Plaintiff,**

**v.**

**GEORGE LOCKE,**  
**Defendant.**

**CIVIL ACTION**

**NO. 18-4529**

**ORDER**

**AND NOW**, this 7th day of August, 2020, upon consideration of Defendant, George Locke's Motion for Reconsideration of Denial of Summary Judgment (Document No. 36, filed June 4, 2020), Plaintiff's Response to Defendant's Motion for Reconsideration of the Court's May 22, 2020 Order Denying Summary Judgment to Defendant, George Locke (Document No. 38, filed June 18, 2020), Plaintiff's (sic) Motion for Reconsideration and/or to Alter/Amend the Court's May 22, 2020 Order and Decision Partially Granting Defendants' Motion for Summary Judgment (Document No. 39, filed June 18, 2020), Defendants, Borough of Jenkintown, Deborah Pancoe and Richard Bunkers' (sic) Response in Opposition to Plaintiffs' Motion for Reconsideration of the Grant of Summary Judgment to the Borough of Jenkintown, Deborah Pancoe and Richard Bunker (Document No. 40, filed July 1, 2020), Defendant, George Locke's Motion to Strike Plaintiffs Exhibit A, the Yanoff Declaration and its Exhibits, Submitted in Response to the Motion for Reconsideration [of] Defendant George Locke (Document No. 41, filed July 3, 2020), Plaintiffs' Response to Defendants' Motion to Strike Declaration of Michael Yanoff From Plaintiff's (sic) Response to Defendant Locke's Motion for Reconsideration (Document No. 44, filed July 13, 2020), for the reasons stated in the accompanying Memorandum dated August 7, 2020, **IT IS ORDERED** as follows:

1. Plaintiff's (sic) Motion for Reconsideration and/or to Alter/Amend the Court's May 22, 2020 Order and Decision Partially Granting Defendants' Motion for Summary Judgment is **DENIED**;

2. Defendant George Locke's Motion for Reconsideration of Denial of Summary Judgment is **GRANTED**. That part of the Court's Memorandum and Order dated May 22, 2020 denying defendants' motion for summary judgment with respect to plaintiffs' First Amendment retaliation claim against defendant George Locke in his individual capacity (Count I) is **VACATED**;

3. That part of Defendants' Borough of Jenkintown, Debora Pancoe, Richard Bunker and George Locke's Motion for Summary Judgment Pursuant to Rule 56 (Document No. 19, filed November 15, 2019) seeking summary judgment on plaintiffs' First Amendment retaliation claim against defendant George Locke in his individual capacity (Count I) is **GRANTED**;

4. Defendant, George Locke's Motion to Strike Plaintiffs Exhibit A, the Yanoff Declaration and its Exhibits, Submitted in Response to the Motion for Reconsideration [of] Defendant George Locke is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that **JUDGMENT IS ENTERED** in **FAVOR** of defendants, Borough of Jenkintown, Debora Pancoe, Richard Bunker, and George Locke, and **AGAINST** plaintiffs, David B. Downs and Margaret A. Downs, with respect to all claims.

**IT IS FURTHER ORDERED** that the Clerk of Court shall **MARK** the case **CLOSED**.

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID B. DOWNS, and  
MARGARET A. DOWNS,  
Plaintiffs,**

**v.**

**BOROUGH OF JENKINTOWN,  
DEBORA PANCOE,  
RICHARD BUNKER, and  
GEORGE LOCKE,  
Defendants.**

**CIVIL ACTION**

**NO. 18-4529**

**ORDER**

**AND NOW**, this 22nd day of May, 2020, upon consideration of Defendants' Borough of Jenkintown, Debora Pancoe, Richard Bunker and George Locke's Motion for Summary Judgment Pursuant to Rule 56 (Document No. 19, filed November 15, 2019) and Plaintiffs' Response to Defendant' Motion for Summary Judgment (Document No. 25, filed December 20, 2019), for the reasons stated in the accompanying Memorandum dated May 22, 2020, **IT IS ORDERED** that Defendants' Borough of Jenkintown, Debora Pancoe, Richard Bunker and George Locke's Motion for Summary Judgment Pursuant to Rule 56 is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of defendants' Motion seeking summary judgment on plaintiffs' First Amendment retaliation claim against defendants Debora Pancoe and Richard Bunker in their individual capacities (Count I) is **GRANTED**;
2. That part of defendants' Motion seeking summary judgment on plaintiffs' First Amendment retaliation claim against the Borough of Jenkintown (Count I) is **GRANTED**;

3. That part of defendants' Motion seeking summary judgment on plaintiffs' civil conspiracy claim against defendant George Locke in his official and individual capacity (Count III) is **GRANTED**;

4. That part of defendants' Motion seeking summary judgment on plaintiffs' First Amendment retaliation claim against defendant George Locke in his individual capacity (Count I) is **DENIED**.

**IT IS FURTHER ORDERED** that a conference for the purpose of scheduling further proceedings will be conducted in due course.

**IT IS FURTHER ORDERED** that Borough of Jenkintown, Debora Pancoe, and Richard Bunker, are removed from the caption as defendants.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**